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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,336	11/04/2003	John-Paul Francis Cherry	JPC001C1	4922
7590 08/11/2004				
JOHN-PAUL F. CHERRY 3203 OAK BOUGH LN. MISSOURI CITY, TX 77459-4655		EXAMINER VAN, QUANG T		
		ART UNIT PAPER NUMBER 3742		
DATE MAILED: 08/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,336

Applicant(s)

CHERRY, JOHN-PAUL FRANCIS

Examiner

Quang T Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-19, 21-28 and 30 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 20 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Benze et al (DE 3937720A). Benze discloses a cleaning of microwave oven comprising placing a cleaning apparatus in the microwave oven, wherein the cleaning apparatus comprises a cleaning article (a cloth, abstract lines 1-2) and a surfactant solution (abstract, line 3) at least partially enclosed by a microwaveable material (abstract, lines 3-4); heating the cleaning apparatus for a time period (abstract, lines 3-4); it is inherent that the surfactant solution evaporating at least a portion of the surfactant solution to form a vapor; emitting the vapor from the cleaning apparatus; condensing the vapor on the interior (abstract, lines 4); hydrating a residue adhered to the interior; and removing the residue with the cleaning article (abstract, lines 6-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-6, 8-10, 12-13, 15-19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benze et al (DE 3937720A) in view of Spector (US

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5,007,529). Benze discloses substantially all features of the claimed invention except an enclosure. Spector discloses an enclosure (10) formed of thermal insulation material permeable to microwave energy and having a vent therein (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Benze an enclosure as taught by Spector in order to contain a microwave-safe material for effecting a cleaning process. With regard to claim 16, the period and the second period are each about 5 minutes. Benze and Spector do not disclose how long each is for the period and the second period. It would have been obvious to one having ordinary skill in the art to determine the period and the second period are each about 5 minutes. Since determining how long the period and the second is depending on each of cleaning process, which is suitable to the users. With regard to claims 7 and 14, the fragrance is selected from the group consisting of lemon, citrus or pine. Spector only discloses a fragrance is potpourri. It would have been obvious to one having ordinary skill in the art to have a fragrance being selected from the group consisting of lemon, citrus or pine. Since lemon, citrus or pine is one of a fragrance which can be used for freshens the air.

5. Claim 29 is allowed.

6. Claims 4, 11 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter: the enclosure is deformable to enable the surfactant solution in fluid communication with the interior of the microwave oven as recited in claims 4, 11, 20 29.

Response to Amendment

8. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QV

August 9, 2004



Quang T Van
Primary Examiner
Art Unit 3742